

Appln. No.: 10/090,206  
Amendment dated August 3, 2007  
Reply to non-final Office Action of February 5, 2007

**Amendments to the Drawings**

The attached sheets of drawings include FIGS. 1, 2A, 2B, 3A, 3B and 4-6. These sheets replace the original sheets including FIGS. 1, 2A, 2B, 3A, 3B and 4-6.

Attachment: Replacement sheets

### **REMARKS/ARGUMENTS**

The Office Action of February 5, 2007 has been carefully reviewed and these remarks are responsive thereto. Applicant initially notes that the undersigned is new counsel of record pursuant to the Power of Attorney filed July 26, 2007. Claims 1 and 8-15 have been amended. Claim 21-24 have been added. No new matter has been added. Claims 1-24 are pending upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Objections to the Drawings***

Applicant submits herewith replacement sheets including replacement drawings FIGS. 1, 2A, 2B, 3A, 3B and 4-6. Thus, Applicant respectfully requests withdrawal of this objection.

#### ***Amendment to the Abstract***

Applicant has amended the Abstract to be in a more preferred form. More specifically, the amended Abstract is limited to a single paragraph of 50 to 150 words, avoids unnecessary legal phraseology and describes the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full text for details. Thus, Applicant respectfully submits that the amended Abstract meets the above described standards.

#### ***Rejections Under 35 U.S.C. § 101***

Claims 8-14 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 8-14 have been amended to be in a more preferred form. Accordingly, this rejection is rendered moot.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,812,123 to Rowe et al. ("Rowe"). Applicant traverses.

Amended independent claim 1 recites, *inter alia*, "displaying the selected content in the background area of the interactive programming guide, *wherein the selected content is overlapped by information related to the first broadcasted program.*" Rowe fails to teach or

suggest the recited features. Instead, Rowe at col. 13, line 66 – col. 14, line 36 and Figures 2-4 and 6 discloses a schedule display 50 that includes a summary panel 90, the summary panel 90 further including a preview section 92 and a text description section 94. Rowe at col. 14, line 14 – col. 15, line 20 further describes that preview section 92 is used to display on-demand attract clips, still graphic images, or an actual broadcast video signal. The Office Action asserts that preview section 92 constitutes a background area as recited in claim 1. Even assuming, without conceding, that preview section 92 constitutes a background area, Rowe is silent with respect to any teaching or suggestion of overlapping any of text description section 94, category display 52, subcategory display 54, or program display 56 (refer to Rowe at col. 7, lines 16-33) on preview section 92 (i.e., the alleged background). Thus, Rowe fails to teach or suggest the features recited in claim 1. Claim 1 is allowable for at least these reasons.

Dependent claims 2-7, which depend from claim 1, are allowable for at least the same reasons as claim 1.

Amended independent claims 8 and 15 recite features similar to those described above with respect to claim 1. Claims 8 and 15 are therefore allowable for at least the same reasons discussed above with respect to claim 1.

Dependent claims 9-14 and 16-20, which depend from claims 8 and 15, respectively, are thus also allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein.

### ***New Claims***

New claims 21-24 have been added. While Applicant notes that these claims have not been rejected, Applicant submits the following remarks in the interest of expediting prosecution.

New claim 21 is dependent on claim 15 and is thus allowable for at least the same reasons as claim 15 and further in view of the novel and non-obvious features recited therein. For example, claim 21 recites “wherein the selected content is user-generated.” Rowe fails to teach or suggest these features. Instead, Rowe at col. 5, line 10 – col. 7, line 15 and Figure 1 merely describe an operating environment wherein a memory storage device 12 stores programming information in a digital format; the programming information is communicated by way of headend processor 14 (from server 16) to set-top converters 32, and ultimately to

receiving units 38. Nowhere does Rowe teach or suggest that content displayed in a background area is user-generated. Thus, claim 21 is allowable for this additional reason.

Claim 22 is dependent on claim 1 and is thus allowable for at least the same reasons as claim 1 and further in view of the novel and non-obvious features recited therein.

New independent claim 23 recites, *inter alia*, “determining whether a background content selection feature is enabled; [and] in response to determining that the background selection feature is enabled, selecting content, based on the identified first broadcasted program, to be displayed in a background area of an interactive programming guide.” Rowe lacks a teaching or suggestion of such features. For example, Rowe does not teach or suggest the ability to enable or disable a background selection feature. The Office Action asserts that preview section 92 constitutes a background area. Even assuming, without conceding, the validity of this assertion, Rowe fails to teach or suggest determining whether a preview section content selection feature is enabled, much less selecting content to be displayed in the preview section in response thereto. Accordingly claim 23 is allowable for at least this reason.

Claim 24 is dependent on claim 23 and is thus allowable for the same reasons as claim 23 and further in view of the novel and non-obvious features recited therein.

**CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

If any additional fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicant looks forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,

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Dated: August 3, 2007

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